

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 20, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JENNIFER P.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,

Defendant.

No. 4:20-cv-5240-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On January 19, 2022, the parties filed a Stipulated Motion for Remand. ECF No. 25. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as set forth below. The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

¹ To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 25**, is
GRANTED.

2. Judgment shall be entered for **Plaintiff**.

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- further evaluate whether Plaintiff's severe impairment of fibromyalgia meets or equals the criteria of Listing 14.09, including providing detailed rationale as to how the medical evidence supports the step-three conclusion;
- further evaluate Plaintiff's residual functional capacity and in so doing reassess Plaintiff's subjective symptoms pursuant to Social Security Ruling 16-3p, particularly those related to fibromyalgia; and
- if warranted by the expanded record, obtain supplemental vocational expert evidence to clarify the effect of assessed limitations on Plaintiff's ability to perform work in the national economy, offer Plaintiff the opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision.

4. All pending motions are **DENIED AS MOOT.**

5. All hearings and other deadlines are **STRICKEN**.

6. If filed, the Court will consider Plaintiff's motion for fees and expenses under the Equal Access to Justice Act.

7. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 20th day of January 2022.

Edward F. Shea

EDWARD F. SHEA
Senior United States District Judge